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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,084	02/17/2000	Toshikazu Ohshima	2355.11106	7474

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EXAMINER

HARRISON, JESSICA


ART UNIT PAPER NUMBER

3713

DATE MAILED: 03/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. <b>09/506,084</b>	Applicant(s) <b>Ohshima et al.</b>	
Examiner <b>J. Harrison</b>	Art Unit <b>3713</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 7, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

Applicant's amendment of Jan. 7, 2002 is acknowledged. Claims 1-39 remain pending.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 14, 15, 17-19, 20-30, 33, 34, and 36 - 39 are rejected under 35

U.S.C. 102(b) as being clearly anticipated by Jarvik.

The rejection of the prior office action is maintained and repeated hereinbelow.

The Jarvik system integrates virtual reality with real-time sensed physical reality to provide a unique hybrid environment, as claimed in the instant claims.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 12, 13, 16, 31, 32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvik.

The rejection of the prior office action is maintained and repeated hereinbelow.

Jarvik gives exercising examples, but suggests his systems-use in a game environment. He does not explicitly state different types of games, such as recited in these claims. However, enemy games, fighting games, cooperative games, danger games, and the like are all well known genres of games, each having their own scoring schemes determined by game designers. It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt well known game genera and scoring schemes to the Jarvik system, in order to provide a variety of virtual experiences to the Jarvik system. Specific recitation of a type of score or game, when such are well known in the game art, would not serve to define patentability given the analogous technology and suggestions of game embodiments in Jarvik.

### ***Response to Arguments***

Applicant's arguments filed January 7, 2002 have been fully considered but they are not persuasive.

Applicant's sole point of contention hinges on applicant's assertion that the prior art reference to Jarvik fails to vary a virtual object based on a combination of a stored rule and the location/posture of a real object. In response, the examiner directs applicant's attention to Jarvik, col. 13, lines 5-60, (at least) and in particular lines 45 - 60. Clearly there is a "rule memory" in

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Jarvik as he recognizes pedaling versus non pedaling, turning of handle bars versus turning of head, etc. and provides an appropriate visual display. Jarvik also teaches, for example, that algorithms to represent coasting may be incorporated, and that the computer is programmed to vary the playback rate of the video as a function of the pedal speed. Clearly these are rule-based algorithms which, in combination with sensed location of a real object, vary the display or virtual object. Applicant's argument fails to persuade.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Harrison whose telephone number is (703) 308-2217.

jjh

March 21, 2002

  
JESSICA HARRISON  
PRIMARY EXAMINER